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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/607,678

06/30/2000

Curtis A. Vock

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11/04/2005

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BOULDER, CO 80301

EXAMINER

CHARIOUI, MOHAMED

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,678

Applicant(s)

CURTIS A. VOCK, ET AL.

Examiner

Mohamed Charioui

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

1. In view of the Appeal Brief filed on 5/23/05, PROSECUTION IS HEREBY REOPENED. New ground of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 21, 27-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marinelli (U.S. 6,148,271) in view of Enomoto et al. (U.S. 6,002,455).

As per claim 21, Marinelli teaches a base station (i.e. monitor unit) for displaying at least one performance metric (see col. 2, lines 60-65); one or more mobile sensing units for attachment with participants in a competitive event and for transmitting wireless data representing at least one performance metric (see col. 2, lines 25-40); and at least

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one relay unit for receiving the wireless data representing the at least one performance metric from the sensing units (see col. 2, lines 47-52 and col. 18, lines 35-49).

Marinelli does not teach that the at least one relay unit wirelessly transmits the received data to the base station.

Enomoto et al. teach this feature (see col. 15, lines 17-29). It would have been obvious to one having ordinary skill in the art at the invention was made to incorporate Enomoto et al. teaching into Marinelli's teaching because it would route the data to the base station in an efficient manner. Therefore, the wiring costs and complications of the relay system would be obviated.

As per claim 27, Marinelli further teaches a display device electronically coupled to the base station, and wherein the base station displays the at least one performance metric on the display device (see col. 2, lines 53-65).

As per claim 28, Marinelli further teaches that the performance metric is at least one selected from the group of rotation, spin, tilt, leaning, acceleration, speed, edge time, distance, drop distance, airtime and g-force (see col. 6, lines 21-34 and col. 3, lines 17-30).

As per claim 29, Marinelli further teaches that the performance metric includes a rotation rate or total rotation (see col. 10, lines 34-60).

As per claim 30, Marinelli further teaches that the performance metric includes a rotation component (see col. 4, lines 36-48).

As per claim 31, Marinelli further teaches that the sensing unit includes an accelerometer (see 2, lines 40-43).

3. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marinelli in view of Enomoto et al. and Jones (U.S. 6,292,213).

Marinelli in view of Enomoto et al. teach the system as stated above except that the system comprises at least one camera for capturing at least one image and sending data representing the at least one image to the base station.

Jones teaches this feature (see col. 8, line 44 to col. 9, line 15; col. 6, lines 46-67; and Fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Jones's teaching into Marinelli in view of Enomoto et al.'s invention because images would be captured and sent to the base station to be displayed; therefore, viewers would be able to visually monitor the participant's movements and judge his/her performance.

4. **Claims 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marinelli in view of Enomoto et al. and Boyd et al. (U.S. 5,023,727).

Marinelli teaches the system as stated above except that the at least one relay unit includes at least two relay units.

Boyd et al. teach this feature (see col. 8, lines 41-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Boyd et al.'s teaching into Marinelli in view of Enomoto et al.'s invention because it would provide two relays for transmitting different types of data representing the participant performance to the base station; therefore, the viewer could monitor the participant activities and make better judgment about the participant performance.

5. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marinelli in view of Enomoto et al. and Boyd et al. and further in view of Eden et al. (U.S. 5,993,335).

Marinelli in view of Enomoto et al. and Boyd et al. teach the system as stated above except that the event area is a half pipe event area.

Eden et al. teach this feature (see col. 1, line 55 to col. 2, line 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Eden et al. teaching into Marinelli in view of Enomoto et al. and Boyd et al. teaching because the sport's arena would be a half pipe area. Therefore, participants would be able to use the ramps of the half pipe to gain speed and perform better rotations to earn better scores.

6. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marinelli in view Enomoto et al. and Shea (U.S. 6,430,453).

Marinelli in view of Enomoto et al. teaches the system as stated above except for a scoreboard and that the base station displays at least one performance metric on the scoreboard.

Shea teach this feature (see col. 1, line 55 to col. 2, line 9 and col. 3, lines 30-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Shea's teaching into Marinelli in view of Enomoto et al.'s invention because the performance scores of the participants would be displayed on a scoreboard. Therefore, viewers would be able to compare scores to determine the one among the participants who performed the best.

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7. **Claims 32-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marinelli in view of Enomoto et al. and Mickelson (U.S. 6,163,021).

Marinelli in view of Enomoto et al. teaches the system as stated above except that the sensing unit includes one or more magnetic field sensing device.

Mickelson teaches a magnetic field sensing device (see col. 2, line 36 to col. 3, line 20 and col. 3, line 58 to col. 4, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Mickelson's into Marinelli in view of Enomoto et al.'s invention, because the magnetic field sensor would provide an electrical signal that represents the angular orientation of the participant relative to the reference axis, therefore the pitch and the roll angles would be determined in addition to the performance metric parameters of interest to better analyze the participant's performance.

Response to Arguments

8. Applicant's arguments with respect to claims 21-34 have been considered but are moot in view of the new ground(s) of rejection.

Contact information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

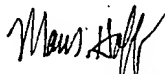
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

10/21/05


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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